

Slavery and the American University: Discourses of Retrospective Justice at Harvard and Brown

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Abstract

American universities have drawn international attention in recent years as their ties to and historical complicity in slavery and the slave trade have been increasingly exposed. This essay examines Harvard and Brown's self-reflective investigations into their involvement in slavery and highlights how the universities have deployed a discourse of retrospective justice as a way to grapple with the incorporation of the history of slavery into the heritage of their institutions. The essay finds that by engaging in conversations about memorialization, apology, and reparations, the universities attempt to confront the past while constructing the future.

Keywords: slavery; retrospective justice; memory; reparations; Harvard; Brown

Harvard and Brown universities are two of the oldest institutions of higher education in the United States, and both schools operated for centuries – two in the case of Harvard, one in the case of Brown – during a time when slavery was a legal and integral part of American society. Both universities have always been pillars in their respective communities and states, and both not only upheld the institution of slavery, but also profited directly and indirectly from the sale and labor of African and African-descended people. The Brown family, after whom the college was named, owned at least 14 slaves and was directly involved in the slave trade.¹ For many decades, Harvard students slept in beds and ate meals prepared by slaves, and many grew up to be prominent slaveholders and leaders in early America.²

Despite these examples, and countless others, of the entanglement of older institutions of higher education with slavery and the transatlantic slave trade, only recently have universities begun to explore the meaning of their complicity in this particular historical injustice.³ In the past 10 to 15 years, a number of America's oldest universities have launched self-reflective examinations into their involvement in the history of the slave trade and slavery, and have begun to consider how they might reckon with this legacy.⁴

This essay examines the investigations of Harvard and Brown within a larger scholarly discourse about retrospective justice, looking in particular at three facets of retrospective justice that are conceptually distinct but often overlap in practice: apology, reparations, and memorialization.⁵ Harvard and Brown both deploy a discourse of retrospective justice as a means through which to both confront the past and construct the future. Retrospective justice allows Harvard and Brown to address their complicity in historical injustice and *move forward* from that injustice without forgetting or obscuring the past. Through this process, the universities work to incorporate a previously unacknowledged history of complicity in slavery into a sense of their

heritage and history. In doing so, they deploy forms of retrospective justice as mechanisms through which to reconcile their crimes in the past with their aspirations for the future.

Harvard and Brown: A Case Study in Retrospective Justice

In 2003, Brown University's then-president Ruth J. Simmons took groundbreaking action by appointing a 'Steering Committee on Slavery and Justice' to investigate the University's historical involvement in slavery and the transatlantic slave trade. This was the first time a university undertook such an investigation on a large and public scale.⁶ Simmons was the first African American woman to head an Ivy League university, and she was widely lauded during her presidency – *Newsweek* named her 'Woman of the Year' in 2002, and *Time* named her 'America's Best College President' in 2001.⁷ At a time when Simmons was drawing national attention to Brown with the success of her presidency, she created an innovative and pioneering investigatory committee tasked both with uncovering the university's involvement in slavery and the slave trade and with confronting the meaning of that history in the present.

In 2006, this committee published a 100+ page report of its findings, which not only detailed Brown's role in the slave trade, but also included a discussion of retrospective justice, and concluded with a set of recommendations for further action on the part of the University. The committee also organized a series of lectures, conferences, workshops and courses to help engage the community in critical discussions about the history and legacy of slavery both globally and in the context of Brown. The University and Simmons have since issued an official response to the *Report* and sponsored continued engagement with it.⁸ A separate Commission on Memorials, for example, led to the installation of a memorial designed by sculptor Martin Puryear on the Front Green in September of 2014, and a scholarly research center called the

Center for the Study of Slavery and Justice was formally established in the 2012-2013 academic year.⁹

The investigation at Brown was of such a scale that it attracted national publicity and attention, and Brown's efforts sparked similar initiatives at other universities. In the fall of 2007, Professor Sven Beckert of Harvard embarked on an attempt to conduct a similar investigation into Harvard's history of slavery and slave trade involvement. This undertaking, however, was initially framed as purely an educational venture and conducted as a series of courses taught by one professor. Beckert spearheaded this initiative and, along with two graduate students, he led four seminars in archival research for a total of 32 students. During the courses, the students went into Harvard's institutional archives and wrote short histories of their findings on a variety of topics related to Harvard and slavery.¹⁰ Beckert, along with graduate student Katherine Stevens and the collective 'students of the Harvard and Slavery Research Seminar,' co-authored a 36-page booklet titled 'Harvard and Slavery: Seeking a Forgotten History,' which reports the findings of the seminars and was funded by the Office of the President.¹¹ As at Brown, the researchers publicized their findings and encouraged engagement with this history beyond the short report they produced; students in the seminars created a video-assisted walking tour, and the launch of the booklet was celebrated with a widely attended lecture and panel discussion.¹²

Brown and Harvard thus approached their investigations into the history of slavery and universities on different institutional levels; Brown's investigation is truly 'Brown's' – it was spearheaded by the University president, funded by the University, and publicized as an institutional endeavor. Harvard's investigation, by contrast, is not so much Harvard's as it is the investigation of a faculty member, two graduate teaching fellows, and 32 students. Although those conducting this research are affiliated with the University, they are not necessarily acting

on the University's behalf. Nevertheless, the Harvard research has largely been characterized, both by those involved and by those commenting on it, as self-reflective.¹³ The ties of the researchers to Harvard and to the surrounding area of Cambridge are framed as distinctly important – the introduction to 'Harvard and Slavery,' for example, states that 'the seminar's goal was to gain a better understanding of the history of the institution in which we were learning and teaching, and to bring closer to home one of the greatest issues in American history: slavery.'¹⁴ For this reason, this article refers to the investigation of Beckert and his fellow researchers as "Harvard's investigation."

A comparison between Harvard and Brown aims not to offer a qualitative assessment of which initiative is 'better' or more 'successful,' but rather to understand how and why the universities deploy a discussion of retrospective justice, and what the implications of this paradigm of thinking about the past are. Examining Harvard and Brown's investigations in comparison with one another is a particularly useful lens through which to approach a critical analysis of discourses of retrospective justice because the two schools took significantly different directions in their general investigations and in their discussion of apology, memorialization, and reparations. From the beginning, Brown's study explicitly linked historical recovery with a discourse of retrospective justice; Brown's report is titled 'Slavery and *Justice*' and two of the three major sections are devoted to 'Confronting Historical Injustice: Comparative Perspectives' and 'Confronting Slavery's Legacy: The Reparations Question.'¹⁵ By contrast, Beckert's courses only became oriented towards considerations of retrospective justice in the later stages of their existence.¹⁶

Despite these different initial goals, both Brown and Harvard ultimately spent considerable portions of their investigations interweaving research into the history of slavery

with discussions about apology, reparations, and memorialization. These negotiations demonstrate the ways in which retrospective justice can be used to ‘come to terms’ with the past and incorporate it into a usable sense of heritage and hope for the future.

Retrospective Justice and the Future

Harvard and Brown’s investigations exist within a larger scholarly conversation about retrospective justice, and the ways in which the two schools have framed and defined a politics of retrospective justice allows them to orient discussions of the history of slavery towards the goal of constructing a more just future. Max Clarke and Gary Alan Fine discuss the ‘success’ of university apologies for slavery by examining the case studies of Brown and the University of Alabama. Brown, they argue, was relatively more successful in its attempt at apology because it engaged in a commitment to ‘active consideration’ and a *‘process’* of apology. Ultimately, they argue that universities have distinct status as potentially effective sites of apology because of their abilities to engage in this commitment to active consideration, and because of their function as ‘museums of ideas.’¹⁷

Clarke and Fine assume the connection between self-reflective examinations of university involvement in slavery and a discourse of apologetics to be self-evident and necessary. This connection, however, merits deeper examination. The investigations at Harvard and Brown have become inextricably linked to discussions about retrospective justice, yet scholars in the field have yet to address the question of what combining this history and a discourse of retrospective justice produces, affects, or facilitates. The answer to this question has potential implications for the philosophical and practical missions of universities, the ways we think about the relationship

between the present and the past, and the relationship between ethics and the practice of historical research and writing.

The multi-disciplinary body of scholarship on history and memory addresses memorialization, reparations, and apology with regard to slavery, the slave trade, and other historical injustices, and Brown discusses these forms of remembrance and engagement using the overarching term ‘retrospective justice.’¹⁸ In its discussion of comparative perspectives of confronting historical injustice, the *Brown Report* also talks about other forms of retrospective justice, such as truth commissions and retributive justice. This essay, however, focuses specifically on apology, reparations, and memorialization, because those three facets of retrospective justice encompass the primary ways in which Harvard and Brown have engaged this debate.

Apology

The definition, meaning, effectiveness, and appropriateness of ‘apology’ are fraught with debate, particularly in cases of centuries-old historical injustice. As Aaron Lazare writes, a true apology requires that the one apologizing ‘acknowledge the offense adequately, express genuine remorse, [and] offer appropriate reparations, including a commitment to make changes in the future. These three actions are the price of an effective apology. To undertake them requires honesty, generosity, humility, commitment, courage, and sacrifice.’¹⁹ Apology thus requires demonstrably more than the mere utterance of the word ‘sorry,’ and Lazare argues that ‘the most essential part of an effective apology is acknowledging the offense.’²⁰ Both Harvard and Brown have embraced this imperative to acknowledge the offense, as both initiatives began with

extensive archival research aimed at uncovering the details of their historical involvement in slavery and the slave trade. In effect, the research acknowledges the offense.

Apology, however, becomes an infinitely more complicated concept and undertaking when both those who committed the offense and those who directly suffered from it are no longer living. Who should do the apologizing? To whom should they apologize? Is an apology even still warranted?²¹ Lazare argues that if one speaks of having national pride, belonging, or identity, one must also assume accountability for national shame.²² Pride in one's university affiliations functions in a similar way to pride in one's national identity. Those who claim affiliation with the positive aspects of Brown and Harvard's histories and actively draw upon the institution's resources also have a responsibility to reckon with the role that slavery and the slave trade played in building and sustaining those resources.²³ Lazare and others have argued that as people continue to accrue benefits from a historical injustice, they have a moral responsibility to reckon with and apologize for that injustice.²⁴

Despite acknowledgement of their involvement in slavery and the slave trade, however, neither Brown nor Harvard has issued an official institutional apology.²⁵ In an address to the Brown University Community Council in March of 2007, then-President Ruth Simmons acknowledged that an apology was an 'implicit recommendation' of the Steering Committee's report, but that she chose to exclude an apology from the university's formal response to the report because it seemed 'like a dollop of whipped cream on a very serious, extensive process.'²⁶ In some ways, Simmons mischaracterizes the nature of apology by reducing it to the 'mere utterance' about which Lazare warns. At the same time, however, by referencing the 'very serious, extensive process' that Brown has taken up, she highlights Brown's commitment to active consideration and other forms of retrospective justice.

It is worth acknowledging the potential contradiction of Simmons, herself a descendant of slaves, apologizing on behalf of Brown for its role in slavery. On one hand, such an apology could feel uncomfortable and perhaps misplaced, but on the other, Simmons would be speaking not as herself, but as a figurehead of the institution. This argument, however, is not to say that Simmons' identity as a descendant of slaves is insignificant to Brown's investigation. Simmons has commented that "I sit here in my office beneath the portrait of people who lived at a different time and who saw the ownership of people in a different way. You can't sit in an office and face that every day unless you really want to know, unless you really want to understand this dichotomy...I don't think there can be a person with a better background for dealing with this issue than me. If I have something to teach our students, if I have something to offer Brown, it's the fact that I am a descendant of slaves."²⁷

Despite Simmons' decision not to apologize, Clarke and Fine situate their discussion of Brown and the University of Alabama within a scholarly conversation about apology. In particular, Clarke and Fine's terminology of 'active consideration' as a form of historical apologetics is important to considerations of retrospective justice. Clarke and Fine discuss active consideration as a particularly effective form of apology because it includes a 'promise of ongoing debate' and 'potentially neutralizes rancor and ensures that the issue will long be a part of the university's discourse.'²⁸ The terminology of active consideration thus allows us to think about historical apologetics as a *process* rather than a *moment*, which is a different way to approach apology than that which Simmons seems to be referencing. Active consideration, by definition, cannot be a 'dollop of whipped cream' – it is itself the 'very serious, extensive process' in which Brown is already engaged.

Approaching apology as a process rather than a moment also avoids one of the major dangers of collective apology articulated by Nicholas Tavuchis. He writes that, ‘a collective *mea culpa*, publicly uttered in response to its own call, simultaneously bespeaks recognition and commitment to a normative domain beyond that of immediate self-interest and effectively shifts the moral burden onto the offended party by focusing upon the issue of forgiveness.’²⁹ Thus perhaps in saying Brown would not apologize, Simmons is refusing this shift of the moral burden and refusing the idea that any form of absolution could come with the moment of apology. Active consideration, however, has no end point – it includes no moment of completion wherein there can be a shift in burden from the offender to the offended.

Reparations

Many definitions of apology include the idea of ‘reparation’ as a key component, but reparation is also a concept worth exploring more explicitly, particularly given the political weight of the term.³⁰ Elazar Barkan defines reparations as ‘some form of material recompense for that which cannot be returned, such as human life, a flourishing culture and economy, and identity.’³¹ Whereas ‘apology’ can in many ways appear symbolic and amorphous, reparations are typically thought of as concrete and material. Despite this materiality, reparations can take many forms, and the degree to which a particular form of reparation is thought of as ‘adequate’ or ‘enough’ is up for debate.³²

Of all the forms of retrospective justice that Harvard and Brown have discussed, none is more contentious than the debate over reparations. Before either college embarked on a formal investigation into the history of slavery, the late 1990s and early 2000s saw controversial, and at times vehement, debates about reparations for slavery.³³ Harvard has discussed reparations in the

context of Beckert's investigation minimally, and one potential reason for this relative silence about reparations could be the political climate of the period – Brown's investigation took place in the earlier part of the decade, when there were multiple high-profile lawsuits and debates about reparations, while Harvard's investigation coincided with a national lull in conversations about monetary reparations. Much of the initial news coverage of the Steering Committee framed Brown's investigation as centrally about the question of whether or not to pay reparations.³⁴ Simmons, however, wrote an article in the *Boston Globe* specifically rebutting this claim, saying that, 'the Committee's work is not about whether or how we should pay reparations. That was never the intent nor will the payment of reparations be the outcome. This is an effort designed to involve the community in a discovery of the meaning of our past.'³⁵

However, though Simmons said the payment of reparations would not be the outcome of Brown's investigation, some of the Committee's recommendations can be seen as forms of reparation. Alfred Brophy defines reparations as 'programs that are justified on the basis of past harm and that are also designed to assess and correct that harm and/or improve the lives of victims in the future.'³⁶ In suggesting the university should 'expand opportunities at Brown for those disadvantaged by the legacies of slavery and the slave trade' and 'use the resources of the university to help ensure a quality education for the children of Rhode Island,' the Steering Committee is putting forth suggestions that constitute forms of reparations.³⁷ Thus, in her *Boston Globe* article Simmons adopts a somewhat narrow definition of reparations, one that in this case has largely been defined and constrained by particularly rancorous public debate. The *Slavery and Justice* report, however, does come to a definition more similar to that of Brophy than of Simmons. The *Report* attests that 'In the American case, the medium of choice is usually money, but there are abundant examples, in the United States and elsewhere, of reparations being paid in

other forms, including land, education, mental health services, employment opportunities, preferential access to loan capital, even the creation of dedicated memorials and museums to ensure that a group's experience is not forgotten by future generations.'³⁸ A definition such as Brophy's offers a more encompassing approach to reparations, and situates the discussion within moral and ethical concerns rather than legal ones.³⁹ Brophy's definition also allows for programs that correct harm and improve future lives through means other than direct cash payments.⁴⁰

Brophy's theorization orients reparations towards the future, which is in keeping with the future-oriented goals espoused by Harvard and Brown and with other forms of retrospective justice like apology and memorialization. Reparation's focus on creating a more just future is particularly evident in one of the oft-cited examples of non-monetary reparations: affirmative action in higher education admissions. Long regarded as a potential avenue through which to address inequalities rooted in historical injustice, affirmative action has been framed as a way to ensure access to futurity that has been long denied African Americans.⁴¹ Joanne Melish writes, 'if reparations are to be made, they need to be made to change [racial] attitudes, to reclaim the conscience that America sold for slavery's profits.'⁴² In the case of Harvard and Brown, reparations need to be made if the universities are to move forward in constructing a more complete sense of heritage and a more just future.

Memorialization

Through memorialization the events of the past can be conveyed to those in the present and the future. Paul Ricoeur's work on the 'ethico-political' level of memory is a useful lens through which to think about the future-oriented politics of memorialization.⁴³ For Ricoeur, 'this is an ethico-political problem because it has to do with the construction of the future: that is, the

duty to remember consists not only in having a deep concern for the past, but in transmitting the meaning of past events to the next generation.⁴⁴ Ricoeur argues this duty to remember and to tell is a means of ‘fighting against the erosion of traces; we must keep traces, traces of events, because there is a general trend to destroy.’⁴⁵ For Ricoeur the ethico-political level of memory is concerned with the two conditions of what Hannah Arendt calls ‘the continuation of action’: forgiving and promising. ‘To forgive,’ Ricoeur writes, ‘is basically to be liberated from the burden of the past, to be untied or unbound, while promising enjoins the capacity to be bound by one’s own word.’⁴⁶ Finally, Ricoeur argues that the ethico-political dimension of memory preserves the relation of the present to the past, privileges the notion of ‘heritage,’ and keeps ‘alive the memory of suffering over against the general tendency of history to celebrate the victors.’⁴⁷ The ethico-political dimension of memory is thus particularly relevant to memorialization, because memorialization is a means through which to transmit the ‘meaning of past events to the next generation,’ as Ricoeur stresses.⁴⁸

For centuries the history of universities and slavery was largely excised from the collective memories of universities, to the extent that when Beckert decided to teach his seminars, he had no idea what he and his students would find. He remarked that despite the fact that ‘quite a few people had written histories of Harvard’, when he looked at those histories ‘there was very little or nothing at all about the question of slavery, and when [he] first walked into the seminar and introduced the seminar to the students, [he] said, “Look, this might be a total failure, we might not find anything, there might not be a story; we just have to risk it and see if there is something.”’⁴⁹ Thus despite the crucial role slavery played in Harvard’s development, this history was absent both from popular memory and from scholarship, and the story is similar at Brown.⁵⁰

In part, the investigations at Harvard and Brown seek to remedy a deficit in the historical memories of the colleges. Universities pay constant homage to aspects of their pasts, while simultaneously ‘forgetting’ those histories that are difficult, embarrassing, or shameful to remember. As the ‘Harvard and Slavery’ booklet notes, ‘Harvard’s campus is replete with conscious memorials to its Puritan founders, its Revolutionary glories, and its sorrowful losses during the Civil War, but seekers of the story of its supporting cast of slaves will find only the vaguest of public markers.’⁵¹ This is not to say that there is no visible history of slavery, but rather that slavery’s historical remnants have not been consciously marked, highlighted, or acknowledged as connected to the history of slavery - often those same markers of universities’ glories are also markers of its unspoken crimes.⁵²

In recent years, there have been numerous protests on college campuses regarding the veneration of historical figures who had prominent roles in historical injustices.⁵³ Students at Harvard, for example, have protested the use of slaveholder Isaac Royall’s family crest on Harvard Law School’s seal.⁵⁴ The *Harvard Crimson* quotes law student Alexander J. Clayborne, a member of the Royall Must Fall and Reclaim Harvard Law School student activist groups, arguing that, “‘The problem is the names on these buildings serve to honor these people; they serve to hold them up as someone to be imitated. The fact of the matter is that these people engaged in morally reprehensible behavior and that shouldn’t be honored.’”⁵⁵ Students are thus not only objecting to the lack of recognition of slavery within the school’s collective memory, they are also objecting the *active* commemoration of figures complicit in historical injustice. Civil War historian and president of Harvard Drew Faust, however, cautions against historical amnesia: “‘if you erase the whole past, it’s too easy to feel innocent. It’s too easy to not learn from it and to think that you’re not going to make any mistakes in the present – you’re better

than those mistakes. We're not better than those mistakes.'”⁵⁶ In November 2015, Martha Minow, Dean of Harvard Law School, created a committee tasked with examining such considerations and issuing a recommendation to the Harvard Corporation about whether the school should continue to use the seal. After months of deliberation, that committee recommended the seal be removed.⁵⁷ In a dissenting opinion, however, Annette Gordon-Reed argues for keeping the seal and actively reframing it from being a testimony to the Royall family to being a reminder of those they enslaved; Gordon-Reed writes, ‘the larger purpose outside of our own personal feelings is to marry the memory of the injustice done to the people enslaved on the Royall plantation to Harvard Law School’s modern commitment to justice and equality through a well-known symbol that connects both.’⁵⁸

Memorialization is thus a form of retrospective justice through which the university negotiates its sense of self and heritage. Harvard and Brown’s investigations attempt to rectify the erasure of the historical record of slavery and the slave trade, and they also are engaged in a project to reincorporate that history into the collective memories of the institutions. Memorialization thus produces a usable heritage through which the university can theoretically begin to redress its wrongs and from which the university can begin to construct a more just future.

Retrospective Justice and the Future

Despite being ‘retrospective,’ the three forms of retrospective justice delineated above are all also orientated towards the present and future. Though retrospective justice looks towards the past and attempts to address *historical* injustice, it does so through actions that have distinct commitments to those in the present and those in the future. The very term ‘retrospective justice’

is perhaps misleading, as it implies an ability to reach back in time and right a terrible wrong. What retrospective justice *can* do, however, is ensure that the legacies and repercussions of a historical injustice do not persist in the present or the future. Lazare writes that ‘One healthy result of remorse is forbearance, a resolve to abstain or refrain from such behavior in the future. If remorse is a kind of promissory note, forbearance is partial payment of the debt.’⁵⁹ Retrospective justice, particularly memorialization, can also remedy erasure from the historical record and ensure the preservation of that historical record through memorials, research centers, and other means.

What can be lost in Harvard and Brown’s investigations is a clear sense of *why* and *for whom* this research and the accompanying calls for retrospective justice are being undertaken. In suggesting questions that ‘might be taken up in a continuing national dialogue about slavery,’ the *Brown Report* asks,

How does a society ‘repair’ such deeply-rooted economic, political, and psychological divisions? Is the discourse of reparations, with its emphasis on ‘healing injuries’ and remedying past injustice, a useful medium for thinking about our responsibilities in the present? Are exercises in retrospective justice inherently divisive and backward looking, as some critics have alleged, or can they provide a way to nurture common citizenship and awaken new visions of the future?⁶⁰

The *Report* thus questions the use of retrospective justice as a means through which to connect the past and the present and future, but it does so in its concluding paragraphs, after framing the entirety of its contents around the concept of retrospective justice. The possibilities and limitations of the paradigm of retrospective justice, however, are at the crux of the conversation about the history and memory of slavery and merit serious consideration, particularly given the distinctiveness of universities as settings for these investigations.

Universities and Historical Continuity

Universities, due to their pedagogical function and their sense of historical continuity, are distinctive settings in which to engage discussions of retrospective justice. Examining the ways that considerations about retrospective justice have arisen in Harvard and Brown's investigations illuminates the means through which the universities negotiate and define a sense of heritage and historical continuity. At their core, universities are devoted to the pursuit of knowledge. As the *Brown Report* states, 'Universities are dedicated to the discovery and dissemination of knowledge. They are the conservators of humanity's past.'⁶¹ The *Report* concludes on the note that universities are perhaps best suited to address the history and memory of slavery in part because they are 'institutions that value historical continuity, that recognize and cherish the bonds that link the present to the past and the future.'⁶² Clarke and Fine describe this as 'the ideological commitment of universities to be places of conscious deliberation.'⁶³ Seth Rockman, a history professor at Brown, comments that 'the University offers the space to think and really think hard about what has been and what can be.'⁶⁴ The philosophical mission of universities thus encourages, and perhaps necessitates, engagement with the history of universities and slavery. In a 2014 speech inaugurating the new location of the Center for the Study of Slavery and Justice, Ruth Simmons argued that scholars have a duty to expose racism and slavery and the university has an 'obligation to society' to challenge injustices.⁶⁵ If the university fails to understand and address its own history, it fails to live up to its own mission.

There is a particular imperative to engage with the past of the institution itself, and that call to action derives from the high degree of emphasis on historical continuity within institutions of higher education. In delineating a typology of apology, Tavuchis describes apologies from 'the Many to the Many' and writes that 'the Many, in the broad sense we are using the term, are not simply persons writ large or aggregates of individuals, but *sui generis*,

emergent entities with characteristics that set them apart from individuals functioning as sovereign actors...Such entities may survive beyond the lives of their members, enjoy special rights and privileges, command vast resources, and wield great power in comparison with individual human actors.’⁶⁶ Tavuchis describes nations and corporations as examples of the ‘Many,’ and universities function much in the same way. To say that the *university* has the ultimate ethical responsibility to address historical injustice does not necessarily absolve any of its constituent members, those who draw on and benefit from the university’s unjustly accrued resources, from confronting historical injustice. Rather, such an argument recognizes the characteristics Tavuchis describes, particularly the ability of the university to exist beyond the lives of its members, to command vast resources, and, particularly in the case of universities, to contribute to the production and dissemination of knowledge.

The *Brown Report* stresses this continuity and says that universities ‘cherish their own pasts, honoring forebears with statues and portraits and in the names of buildings. To study or teach at a place like Brown is to be a member of a community that exists across time, a participant in a procession that began centuries ago and that will continue long after we are gone.’⁶⁷ Not only do those in the present directly benefit from the university’s wealth and resources, but in claiming and embracing affiliation with the university they also articulate an intangible connection to those in the past.

Harvard and Brown’s investigations into their involvement in slavery and the slave trade, and the discourse of retrospective justice surrounding those investigations, emphasize the idea that one cannot selectively embrace the past, celebrating the university’s achievements while failing to acknowledge the university’s wrongs. The *Brown Report*, for example, quotes Arendt’s *The Origins of Totalitarianism* (1951): “‘We can no longer afford to take that which was good in

the past and simply call it our heritage, to discard the bad and simply think of it as a dead load which by itself time will bury in oblivion. The subterranean stream of Western history has finally come to the surface and usurped the dignity of our tradition. This is the reality in which we live.”⁶⁸ In citing Arendt, the *Brown Report* argues for the relevance of those in the present attending to wrongs committed in the past. The ‘bad’ of the past, Arendt, says will not stay quietly buried, and this subterranean stream will challenge the ‘dignity’ of tradition.⁶⁹

Thus by citing Arendt, Brown is arguing in part for the preservation of its claim to a sense of ‘heritage;’ rather than blindly celebrating ‘dignity’ and the good of the past, Brown asserts a more encompassing history, one that acknowledges the university’s wrongdoings, but also allows room for the celebration of its achievements. The official university response to the Steering Committee’s report argues that, ‘by sifting carefully through the facts and interpreting important features of Brown’s history and culture, the Committee taught the community how to draw from that past a newfound sense of pride and commonality of understanding...the Committee’s work issues a new summons to those who come after. The Committee has opened an important new chapter in the history of this University, one that compels us to embrace the full weight of its history and mission.’⁷⁰ Thus despite the negative history that the Committee has uncovered, the investigation and the more encompassing history that has resulted from it allow the institution to embrace a common understanding of its heritage, and in doing so foster feelings of pride, despite the historical injustice that was uncovered.⁷¹

The difficulty of creating a usable sense of heritage while accounting for both the university’s previously unspoken wrongs and also its historically championed successes arises throughout Harvard and Brown’s investigations. The first time Beckert taught his Harvard and slavery seminar, nearly all of the students were drawn to writing research papers on Harvard’s

role in the abolition of slavery, and they were ‘very reluctant’ to research topics that didn’t reflect well on Harvard as an institution, ‘partly because they identified so much with the institution today.’⁷² Beckert attested, however, that as students began to realize that there was a history to be told that was ‘very different than the history that’s publicly pronounced and that you find in all these published Harvard histories’, they became invested in researching and telling the troubling histories that they had first shied away from.⁷³ Though some students did do research on abolitionism, many more wrote papers about negative aspects of Harvard’s history, and, as Harvard students, this was both particularly difficult for them and particularly important and motivating.

In a September 2014 guest column in the *Brown Daily Herald*, Kevin Carty, a then senior at Brown, echoed a similar sentiment in his comments on Brown’s 250th anniversary. Carty exhorts that ‘we are partners in the University’s project. And the project of the University was built on slavery. Today it is so much more, and we should feel pride in that. But to feel pride in the great bits of the past without feeling sorrow for the failures is to engage in school pride “à la carte.”’⁷⁴ Thus the historical continuity that allows those affiliated with the university to celebrate its history also means that those affiliated with the university must reckon with its full past.

The engrained tradition of recognizing and celebrating the historical continuity of universities facilitates recognition of the lingering effects the past can have on the present. As Clarke and Fine argue, ‘the university constitutes an institution that bridges “history” with the present, paying heed to both.’⁷⁵ As the *Brown Report* states, ‘great crimes inevitably leave great legacies’, and as much as the investigations of Harvard and Brown are about the crime of

slavery, they, and the discourses surrounding them, are also about the legacies of slavery that linger in the present.⁷⁶

Connecting the Past, the Present, and the Future through Retrospective Justice

Because of the inability to truly do justice to those who have suffered in the past, and retrospective justice's subsequent inherent orientation towards the future and the present, the history of slavery and universities comes to be acknowledged or recognized in relation to its effects on the present. The purpose of this argument is not to make a recommendation about whether we should or should not engage in discussions of retrospective justice with regard to the history of slavery and universities; rather, this article aims to critically examine the possibilities and limitations of such an approach and demonstrate the ways in which the particular discourse of retrospective justice allows universities to deploy a future-oriented politics; in other words, the universities confront the past as a means through which to construct the future.

Situating their investigations within a discourse of retrospective justice allows Brown and Harvard to cast positive light upon their universities in the present day, despite the fact that their investigations reveal complicity in a crime against humanity. James Campbell, then a history professor at Brown and the chair of the Steering Committee, said in a *Harvard Crimson* article that, "In my heart I always hoped and expected that the work we were doing here, if we did it responsibly, thoroughly and well, might encourage other institutions to look at their own history." Brown, he said, showed "other institutions that it's possible to look at this history, and face it, without having the roof collapse on your head."⁷⁷ The discourse of retrospective justice gives the illusion that the university can somehow 'right' the terrible wrong that it has uncovered, and it gives the investigation a marketable 'purpose' in the face of a contentious and

potentially rancorous topic.⁷⁸ Those involved in the investigations and other university officials make numerous comments assuring their audiences that the investigations are not meant to merely impugn the universities.

Brown's official response to the Steering Committee's report, for example, states that, 'The question of Brown's responsibilities vis-à-vis slavery and justice has endured since the founding of the University, and that question will endure still for some time to come. That we take this up in this time is a positive sign of the ongoing strength of concerns at Brown with the rights and dignity of human beings.'⁷⁹ This comment by the University enshrines the investigation of their complicity in slavery within the university's own particular value system and in doing so conveys to the audience a somewhat convoluted argument that by uncovering its role in past injustices, the university has somehow upheld 'the rights and dignity of human beings.'

This reassurance by the university that despite its history, Brown is still a morally grounded institution responds in part to a trend noted by Wilder: 'There has been a fear that there's something lurking in the archives that will be devastating to these institutions, and that people doing this work are motivated by hostility...but history is a poor medium for seeking revenge.'⁸⁰ Faced with criticism that investigations into the history of slavery and the university amount to a kind of muckraking, Harvard and Brown have a vested interest in assuring both that the history being uncovered will not significantly negatively affect the institution, and also that those undertaking the investigation have productive rather than injurious intentions.

One article in the *Brown Daily Herald* posits a slightly more cynical spin on the reasons behind the university's investigation, and attests that 'the report also gave the sense that Brown's historical connection to slavery was not as dark as people thought, which, perhaps, was the point.

“I thought one of the reasons the president wanted to do this whole endeavor was a concern about misperceptions about our history,” said Ross Cheit, an associate professor of political science who served on the committee. “The story wasn’t as bad as some people thought it was going to be.”⁸¹ Whether this assessment of Simmons’s motivations is accurate is debatable, but this comment does demonstrate that there was a deeply seated fear that this investigation would somehow tarnish the university’s reputation.

Brown addresses this fear further in the report itself, and deploys a discourse of retrospective justice to argue for the productivity of engaging with past injustices:

For some on the left, the preoccupation with past injustice is a distraction from the challenge of present injustice, a reflection of the ‘decline of a more explicitly future-oriented politics’ brought about by the collapse of socialist and social-democratic movements around the world...Far from fomenting division...confronting traumatic histories offers a means to promote dialogue and healing in societies that are already deeply divided. This process, in turn, can generate new awareness of the nature and sources of present inequalities, creating new possibilities for political action.⁸²

The *Report* argues in defense of a future-oriented politics of retrospective justice. Retrospective justice is here constructed as a means through which to trace historical continuities and identify sources of present inequalities *and* as a means through which to address those historical traces and move forward. The discourse of retrospective justice ensures that the investigation into the history of slavery and the university is ‘productive’ and allows the university to address its historical wrongs while still moving ‘forward’.

Harvard and Brown’s varying engagements with retrospective justice shape perceptions of the universities’ commitments to remedying present injustice and working towards a more just future. Whereas Brown’s investigation was structured within the paradigm of retrospective justice from its inception, Harvard’s investigation came to discourses of retrospective justice secondarily, and ultimately engaged with retrospective justice less fully and concretely.⁸³

Beckert attested that first and foremost the goal of his seminars was to teach students how to do historical research, but that after he had taught the course several times, and once he and his students knew that there was a ‘very substantial story that nobody really had ever thought about or written about, the issue of how to confront that history – what to do about it and how to make it public – became much more a part of the seminar.’⁸⁴ The final time Beckert taught the course, he and his students hosted a public event to share their research and their inquiry ‘became more focused on the question about what to do about [their findings].’⁸⁵ Beckert attested that the students in the seminars ‘had a lot of lively debates which were often around the issue of what kind of consequences [their findings] should have – should the university apologize? Should the university somehow pay reparations in some way or another? There were big disagreements about that among the students.’⁸⁶ Those in the seminars came to feel strongly that engaging in some form of retrospective justice was necessary, but given the different format of the seminars in comparison to that of Brown’s investigation, those conducting research at Harvard had neither the time nor the resources to develop a concrete set of conclusions or recommendations about what further steps Harvard could take.

Despite the fact that the ‘Harvard and Slavery’ booklet was published in 2011, around the time of the university’s 375th anniversary, Beckert comments that ““our findings were never part of the story that was commemorated then.”” Beckert continues, ““The University needs to recognize that slavery is as much a part of its history as many of its great accomplishments, and make the project not just a project of a small number of professors and students, but one for the University as a whole.””⁸⁷ The ‘project,’ then, evolved from one of historical research to one of retrospective justice. The university is implored to acknowledge its historical continuity, and to apologize, memorialize, and redress.

Beckert and his students assert the importance of retrospective justice throughout their report and in subsequent interviews. ‘Harvard and Slavery’ concludes on the sentence, ‘Recapturing the full history of Harvard is not to discredit or diminish its achievements, but to hold us in tension between the future we will make at Harvard and its full, flawed, but no less remarkable past.’⁸⁸ The lack of retrospective justice or larger conversation following the report thus jeopardizes the ability of the university to hold the past in tension with the future – the report is framed as important to engage with because of the effect it can and should have on the construction of Harvard’s future, and failing to fully embrace a praxis of retrospective justice undermines the strength of this future and of Harvard’s ability to lay claim to a sense of heritage. What is particularly salient throughout Beckert’s comments is that the disappointment lies not with the history that was uncovered, but rather with the degree of engagement in retrospective justice with respect to that history.⁸⁹

While Harvard’s engagement with retrospective justice has been limited in comparison to that of Brown, considerations of retrospective justice have become increasingly central to Harvard’s deliberations about its historical complicity in slavery and the slave trade. The debates and discussions about Harvard Law School’s seal and the title ‘House Master’ are examples of some of the ways in which Harvard has attempted to revise the memorialization and veneration of morally corrupt historical figures. What arises in these conversations about retrospective justice, and in similar ones at Brown, is a negotiation of the means through which an ever-diversifying student body and faculty can trace and establish a viable sense of heritage at the institution. In a 2004 opinion piece in the *Harvard Crimson*, student Monica Clark voiced her objection to the term ‘House Master,’ ten years before the term was voted to be changed; ‘It’s been 150 years since the abolition of slavery,’ she wrote, ‘so answer me this: why do I still have

a “master?””⁹⁰ In a November 2015 open letter to the Dean of the Law School in the *Harvard Law Record*, members of the student activist group ‘Royall Must Fall’ wrote in protest of the use of Isaac Royall’s family seal as the crest of Harvard Law School that,

Physical symbols are an expression of who we are and what we value as a community. From the portraits of professors on the second floor of Wasserstein, to the paintings in the library, to the current composition of the faculty, the law school is filled with visual reminders that this school was created by, and for, white men. The most ubiquitous of these symbols, the seal—which adorns all of our buildings, apparel, stationery, and diplomas—honors a slaver and murderer.⁹¹

Clark and the Royall Must Fall group call attention to the ways in which university titles, symbols, and physical spaces reinforce a sense of group identity and affiliation that marginalizes African American students from a claim to the school and its heritage. Positively and actively memorializing a man like Royall, without fully acknowledging and advertising his complicity in oppression, contributes to the latency of the history of slavery and the slave trade at Harvard, and, the students argue, contributes to continued inequality and disparity; they write that,

Replacing the seal would not erase the brutal history of the slave trade. Instead, it would appropriately acknowledge the dark legacy of racism that is presently hidden in plain sight. Many people see no clear connection between the slave trade and the present. That is how structural racism becomes entrenched; forgetfulness and indifference are tools of oppression.⁹²

Several people have commented on the ways that engaging in retrospective justice with respect to the history of slavery can help universities work towards eradicating inequality and establishing a more encompassing sense of their institutional heritage. The *Harvard Crimson*, for example, interviewed Brandi Waters, one of Beckert’s seminar students, and wrote that ‘being part of this research project also inspired Waters as an African-American student. “Having empirical evidence that my ancestors’ unfree efforts were foundational to the creation of Harvard’s dominance, that it wasn’t possible without them,” she wrote in an email, “helps me find my place in what’s typically known as a history of great men.””⁹³ Craig Steven Wilder

echoes this sentiment in a *New York Times* article, and says that his research over the course of writing *Ebony and Ivy* increased his “sense of ownership” of his elite education; he said that this research “changes the way you think about these institutions. You realize, people of color have always been here.”⁹⁴ Incorporating the history of slavery and the slave trade into the collective memory of the university thus creates a space in which African American students and faculty argue they can lay greater claim to the institution.⁹⁵ Highlighting this particular history thus has concrete effects on the experiences of present and future members of the institution.

At Harvard, for example, a staff member drew attention to Harvard’s historical continuity and continued oppression after she attended a panel discussion about Harvard’s role in slavery and the slave trade. Desiree Goodwin, a library assistant in the Harvard Graduate School of Design Library, wrote a *Harvard Crimson* opinion piece arguing that the exploitation of labor Harvard sponsored in the seventeenth and eighteenth centuries has continued into the present day.⁹⁶ Goodwin’s article particularly pointed to restructuring within the University’s library services positions that she argued would negatively affect workers. The online comments section following the electronic publication of Goodwin’s article bristles with criticism and anger that Goodwin drew connections between enslavement and present-day working conditions, but such comments largely miss the point of Goodwin’s essay, which is not to argue that the conditions of the past are mirrored in the present, but rather to argue for a degree of continuity between Harvard’s past and present.⁹⁷ Alfred Brophy has said that, ‘If we remember that alternative history, of violence and forced labor, then we will be more likely to question the current distribution of power.’⁹⁸ Goodwin enacts Brophy’s argument, using Harvard’s role in slavery and the slave trade to question and call attention to labor exploitation that she feels is a present-day legacy of past injustices.

Questioning such as Goodwin's requires that the history of slavery and the university remain a part of the university's collective memory. The best means through which to accomplish such a task has been widely debated, but the *Brown Report* recommends the establishment of a memorial designed to engage and inform the public and act as 'a living site of memory, inviting reflection and fresh discovery without provoking paralysis or shame.'⁹⁹ Memorialization in this conception invokes the promise of active consideration articulated by Clarke and Fine: it should open and facilitate further conversation rather than bury or codify the past.¹⁰⁰ Memorialization thus theoretically works to ensure the memory of the past continues in the present and the future.

The memorial Brown created was designed by sculptor and National Medal of Arts recipient Martin Puryear and erected in fall of 2014 on the front campus near University Hall.¹⁰¹ Puryear's sculpture consists of an iron chain rising from a dome buried in the ground: the chain is broken at eye level and the surface of the break is covered in mirrored silver designed to reflect the sky.¹⁰² The text about the memorial on the university's website reads, 'Reminiscent of a ball and chain, the dome also represents the weight of history still half buried, while the reflected sky symbolizes hope for the future. Through his characteristic economy of means Puryear has transformed a recognizable symbol of enslavement into a statement of recognition and hope.'¹⁰³ Though the sculpture memorializes the past, it also reflects retrospective justice's orientation towards the future. The memorial acknowledges that the history of slavery will always affect the university, but it also leaves that history half 'buried,' drawing attention not to the full picture and weight of the history submerged in the ground, but rather to the possibility of a better future symbolized by the mirrored tops of the broken chains.¹⁰⁴

A 2014 *Brown Daily Herald* article about the installation of the memorial quotes Brown's current president Christina Paxson commenting that, "One of the most important parts of the slavery and justice report is its call to fight modern legacies of slavery. The memorial would be doing good work if it encourages passerby to reflect on the injustices of today as well as yesterday."¹⁰⁵ The memorial thus reflects Ricoeur's ethico-political dimension of memory in its concern for the construction of the future. In entreating the Brown community to attend the dedication of Puryear's memorial, Kevin Carty writes in his *Brown Daily Herald* column that, 'Past is not merely prologue. Its consequences live on with us. Forgetting the injustices of the past makes us blind to their effects in the present.'¹⁰⁶ The discourse of retrospective justice surrounding the history of slavery and universities thus instructs us not just to reflect upon slavery in the past, but also upon its legacies and manifestations in the present, with the intention of eradicating those manifestations in a quest for a more just future.

Harvard and Brown are not alone in their attempts to understand the history of slavery and the transatlantic slave trade: nations, institutions, and communities around the world have reflected upon the history of this particular crime against humanity and upon its effects, meanings, and legacies in the present. As universities that have ideological commitments to the pursuit of knowledge, command vast resources, and take pride in and foster a sense of heritage and continuity across time, however, Harvard and Brown have a particular imperative to uncover and address their complicity in historical injustice.

As this essay has argued, throughout the course of their investigations, Harvard and Brown have used a discourse of retrospective justice as a means through which to incorporate the history of their complicity in slavery into a sense of heritage and continuity. By engaging in discussions about apology, reparations, and memorialization, Harvard and Brown are able to

address their complicity in historical injustice while also fostering hope for an imagined more just future. ‘Coming to terms’ with the past thus entails a future-oriented politics of hope, wherein the past figures primarily as a site from which to negotiate the conditions of the present and the future.

¹ *Slavery and Justice: Report of the Brown University Steering Committee on Slavery and Justice* (Providence, RI: Brown University, 2006), 20-21.

² Sven Beckert, Katherine Stevens, and the students of the Harvard and Slavery Research Seminar, ‘Harvard and Slavery: Seeking a Forgotten History’ (Boston: Harvard University, 2011), 8.

³ *Slavery and Justice*, 89. Beyond the scholarship produced by Brown and the group of Harvard researchers, there has been only one monograph devoted solely and explicitly to the subject of slavery and universities – Craig Steven Wilder’s *Ebony and Ivy: Race, Slavery, and the Troubled History of America’s Universities* was published in 2013, and focuses on uncovering, documenting, and narrating the historical details of universities’ involvement in slavery, the slave trade, and racist science. Wilder’s extensive archival research contributes to a fuller understanding of how universities in early American history profited from and supported the slave trade and slavery. Wilder’s work is an attempt to reconstruct and bring to the fore the history of slavery and the university, rather than a commentary on or analysis of universities engaging in such a project on their own. Craig Steven Wilder, *Ebony and Ivy: Race, Slavery, and the Troubled History of America’s Universities* (New York: Bloomsbury Press, 2013).

⁴ Emory University, Washington and Lee University, the College of William & Mary, and the University of Virginia are four such institutions. At the time of writing, Georgetown University was beginning the process of a sustained and serious investigation of its own. The ‘Report of the Working Group on Slavery, Memory, and Reconciliation’ was published in Summer of 2016, and would be an excellent case study for further research on the intersections of retrospective justice, slavery, and universities.

⁵ ‘Retrospective justice’ is used here to encompass the varying ways in which institutions and societies have attempted to address historical injustice and its legacies. Retrospective justice encompasses anything from truth commissions to reparations to retributive justice. The choice to focus on apology, reparations, and memorialization in this paper reflects the particular forms of retrospective justice around which Brown and Harvard situate themselves and is explained further below. *Slavery and Justice*, 39-63.

⁶ Three doctoral candidates at Yale had previously released a report in August 2001 titled ‘Yale, Slavery and Abolition,’ which alleged that nine of Yale’s twelve residential colleges were named for slave owners, among other claims. The Yale report, however, was criticized for a lack of historical context and accuracy, and given its small scale and contested nature, the Brown investigation is most often referenced as the first of its kind. Jia Lynn Yang, ‘Yale Slavery Report Questioned by Experts,’ *Yale Daily News*, December 12, 2001.

⁷ ‘Ruth J. Simmons: 2001-2012,’ Brown University Office of the President, accessed February 28, 2016, <https://www.brown.edu/about/administration/president/simmons>.

⁸ *Response of Brown University to the Report of the Steering Committee on Slavery and Justice* (Providence, RI: Brown University, 2007).

⁹ ‘Report of Commission on Memorials,’ Brown University, March 2009; ‘Martin Puryear: Slavery Memorial,’ Brown University, accessed February 28, 2016, <https://www.brown.edu/about/public-art/martin-puryear-slavery-memorial>.

¹⁰ Student paper titles include: “‘A very plain business man’: Edwin Farnsworth Atkins and the Birth of the Harvard Botanical Station on the Former Slave Plantation Soledad” by Alexandra Rahman; ‘A True Southern Gentleman: Charlestonians at Harvard in the Antebellum Period’ by Hilary May; and ‘Interstitial Memory: Exploring the Underground Railroad in Harvard’s Warren House’ by Brandi Waters. Beckert et al., ‘Harvard and Slavery,’ 35-36.

¹¹ Beckert et al., ‘Harvard and Slavery.’

¹² Corydon Ireland, ‘Harvard and Slavery: Student Research Project Brings Aspects of Troubling Past to Light,’ *Harvard Gazette*, November 18, 2011.

¹³ Max Clarke and Gary Alan Fine’s article, “‘A’ for Apology: Slavery and the Discourse of Remonstrance in Two American Universities,” *History & Memory* 22 (2010): 99-103, includes brief but stimulating discussion of the politics of ‘outside’ investigations into university involvement in slavery. Alfred Brophy, then a professor at the

University of Alabama, was maligned by many Southern critics for his investigations into the University of Alabama's historical involvement in slavery. Much of this criticism pointed to his degrees from northern schools (Harvard and Columbia) and argued he was alien to southern culture and therefore unqualified to comment upon southern history.

¹⁴ Beckert et al., 'Harvard and Slavery,' 3.

¹⁵ *Slavery and Justice*. Emphasis added.

¹⁶ Interview with Sven Beckert, conducted by the author at Harvard University, September 2, 2015.

¹⁷ Clarke and Fine see universities as distinct in their 'ability to treat the topic as an object of study, rather than as a matter of live contention. The effect is similar to placing an object – a memorial, a timeframe or an idea – into a museum...through scrutinizing the topic an academic institution "stores" remembrance. The remembrance is kept alive via the currents of debate and discourse – the same currents that effectively insulate the topic of memory from scandal. "Here," a university says, "we remember. We're studying you – now you are remembered"; in the case of remembering slavery, one might add "and this will never again be repeated." Clarke and Fine, "'A" for Apology,' 81-87.

¹⁸ *Slavery and Justice*, 39.

¹⁹ Aaron Lazare, *On Apology* (Oxford: Oxford University Press, 2004), 9-10.

²⁰ Lazare, *On Apology*, 32 and 75.

²¹ See Lazare, *On Apology*, 44-74 for more on how apologies are essential to human relationships and perform transformative healing functions.

²² Lazare, *On Apology*, 41.

²³ As the *Brown Report* states, 'To study or teach at an institution like Brown, to live in a country like the United States, is to inherit a wealth of resources and opportunities passed down from previous generations. Is it so unreasonable to suggest that in assuming the benefits of these historical injustices, we also assume some of the burdens and responsibilities attached to them?' *Slavery and Justice*, 62.

²⁴ Lazare, *On Apology*, 41-42. See also James Oliver Horton and Johanna C. Kardux, 'Slavery and the Contest for National Heritage in the United States and the Netherlands,' *American Studies International* 42 (2004): 59.

²⁵ Interview with Sven Beckert.

²⁶ Michael Skocpol, 'Simmons Explains to BUCC Why U. Won't Apologize for Slavery,' *Brown Daily Herald*, March 14, 2007.

²⁷ Pam Belluck, 'Brown U. to Examine Debt to Slave Trade,' *New York Times*, March 13, 2004.

²⁸ Clarke and Fine, "'A" for Apology,' 85.

²⁹ Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford: Stanford University Press, 1991), 113.

³⁰ Clarke and Fine, "'A" for Apology,' 83; Ronald P. Salzberger and Marcy C. Turck, eds, *Reparations for Slavery: A Reader* (Lanham, MD: Rowman & Littlefield, 2004). Alfred L. Brophy's definition of reparations, in comparison, classifies apology as a form of reparation. Alfred L. Brophy, *Reparations: Pro & Con* (Oxford: Oxford University Press, 2006), 9.

³¹ Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: W. W. Norton & Company, 2000), xix.

³² *Slavery and Justice*, 57.

³³ For more see *Slavery and Justice*, 65-66; Norman Boucher, 'The War Over Words,' *Brown Alumni Magazine*, May 2001; and Melish, 'Recovering (from) Slavery,' 119-120.

³⁴ Melish, 'Recovering (from) Slavery,' 122-123; Belluck, 'Brown U. to Examine Debt.'

³⁵ Ruth J. Simmons, 'Facing Up to Our Ties to Slavery,' *Boston Globe*, April 28, 2004.

³⁶ Brophy, *Reparations: Pro & Con*, 9.

³⁷ *Slavery and Justice*, 92-94.

³⁸ *Slavery and Justice*, 57.

³⁹ For more see John Torpey, *Making Whole What Has Been Smashed: On Reparations Politics* (Cambridge: Harvard University Press, 2006). In the debates of the late 1990s and early 2000s, reparations had largely been defined in legalistic terms and characterized as a monetary payment made to the descendants of slaves. Eleanor Bright Fleming, 'When Sorry Is Enough: The Possibility of a National Apology for Slavery,' in *The Age of Apology: Facing Up to the Past*, ed. Mark Gibney, Rhoda Howard-Hassman, and Jean Marc Coicaud (Philadelphia: University of Pennsylvania Press, 2007), 95.

⁴⁰ Barkan has argued that, 'In a world that privileges economic transactions, the moral economy of restitution is a viable option for conflict resolution, even if its ramifications on the identities of the protagonists leave many aspects of historical injustices unaddressed.' Barkan, *The Guilt of Nations*, 349. Critics of cash sum reparations have argued

that they largely have the effect of closing conversations about historical injustice, rather than beginning a process of active consideration. Fleming, 'When Sorry Is Enough,' 99.

⁴¹ Torpey, *Making Whole What Has Been Smashed*, 109. See Barkan, *The Guilt of Nations*, 293-296 and Brophy, *Reparations: Pro & Con*, 58-62 for more on the history of affirmative action and the changes in its legal rationale. The Supreme Court's 2003 decision in *Grutter v. Bollinger* upheld affirmative action but shifted its rationale, and found that diversity, rather than remedying past injustice, constitutes compelling interest.

⁴² Melish, 'Recovering (from) Slavery,' 119-120.

⁴³ Paul Ricoeur, 'Memory and Forgetting,' in *Questioning Ethics: Contemporary Debates in Philosophy*, ed. Richard Kearney and Mark Dooley (London: Routledge, 1999), 6-10.

⁴⁴ Ricoeur, 'Memory and Forgetting,' 9. Simmons refers multiple times to the importance of transmitting the 'meaning' of past events. Simmons, 'Facing Up to Our Ties to Slavery'; *Slavery and Justice*, 5.

⁴⁵ Ricoeur, 'Memory and Forgetting,' 10.

⁴⁶ Ricoeur, 'Memory and Forgetting,' 10.

⁴⁷ Ricoeur, 'Memory and Forgetting,' 10.

⁴⁸ Ricoeur, 'Memory and Forgetting,' 9.

⁴⁹ Interview with Sven Beckert.

⁵⁰ *Slavery and Justice*, 14.

⁵¹ Beckert et al., 'Harvard and Slavery,' 24.

⁵² In the 1870s, for example, Harvard built Memorial Hall to honor Harvard students who fought for the Union Army during the Civil War. Though slavery was an underlying cause of the Civil War, none of the monument's original inscriptions recall slavery as the cause of secession or emancipation as a result of the war. 'As a site of memory,' Memorial Hall's 'silences, more than its inscriptions, speak to Harvard's and Massachusetts' complicity in slavery.' Beckert et al., 'Harvard and Slavery,' 24-25.

⁵³ Robert Mackey, 'Oxford Students Want Statue of Cecil Rhodes Removed,' *New York Times*, November 6, 2015; Gabriel Fisher, 'Princeton and the Fight Over Woodrow Wilson's Legacy,' *New Yorker*, November 25, 2015; Noah Remnick, 'Yale Will Drop John Calhoun's Name From Building,' *New York Times*, February 11, 2017.

⁵⁴ When current Supreme Court Justice Elena Kagan was Dean of Harvard Law School (2003-2009), she declined the Royall chair, a position that is traditionally held by the Dean of the Law School, because of its connection to the slaveholder. Alexandra Perloff-Giles, 'Seminar Studies Slave Ties,' *Harvard Crimson*, April 24, 2008.

⁵⁵ Andrew M. Duehren and Daphne C. Thompson, 'In Debate Over Names, History and Race Relations Collide,' *Harvard Crimson*, January 19, 2016.

⁵⁶ Duehren and Thompson, 'In Debate Over Names, History and Race Relations Collide.'

⁵⁷ Andrew M. Duehren and Claire E. Parker, 'Corporation Accepts Proposal to Change Law School Seal,' *Harvard Crimson*, March 15, 2016.

⁵⁸ Annette Gordon-Reed, 'A Different View,' dissenting opinion to the decision of the Harvard Law School Shield Committee, March 3, 2016.

⁵⁹ Lazare, *On Apology*, 108.

⁶⁰ *Slavery and Justice*, 86.

⁶¹ *Slavery and Justice*, 12.

⁶² *Slavery and Justice*, 89.

⁶³ Clarke and Fine, "'A" for Apology,' 83.

⁶⁴ Katherine Cusumano, 'Slavery and Justice Center Teach-in Reopens Discussion,' *Brown Daily Herald*, March 1, 2013.

⁶⁵ Emma Harris, 'Ruth Simmons Inaugurates Slavery and Justice Center,' *Brown Daily Herald*, October 25, 2014. It should be noted that though Brown is a forerunner among universities in investigating the appropriate forms of retrospective justice to undertake with regard to the history of slavery and the slave trade, universities are not alone in this kind of investigation. The Episcopal Diocese of Rhode Island, for example, is establishing a museum about the transatlantic slave trade, slavery, and the church's complicity in augmenting slavery in the North. Katharine Q. Seelye, 'Rhode Island Church Taking Unusual Step to Illuminate its Slavery Role,' *New York Times*, August 23, 2015. For more on the history and memory of slavery in other settings see Renée Ater, 'Slavery and Its Memory in Public Monuments,' *American Art* 24 (2010): 20-23; Ira Berlin, 'American Slavery in History and Memory and the Search for Social Justice,' *Journal of American History* 90 (2004): 1251-1268; Celeste-Marie Bernier and Judie Newman, eds., *Public Art, Memorials and Atlantic Slavery* (London: Routledge, 2009); Margot Minardi, *Making Slavery History: Abolitionism and the Politics of Memory in Massachusetts* (Oxford: Oxford University Press, 2010); and James Oliver Horton and Lois E. Horton, eds., *Slavery and Public History: the Tough Stuff of American Memory* (New York: New Press, 2006).

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- ⁶⁶ Tavuchis, *Mea Culpa*, 99-100.
- ⁶⁷ *Slavery and Justice*, 12.
- ⁶⁸ *Slavery and Justice*, 42.
- ⁶⁹ This process is particularly evident in the conflict over the memorialization of Royall at Harvard. ‘An Open Letter to Dean Minow from Students of Harvard Law School: Royall Must Fall,’ *Harvard Law Record*, November 18, 2015.
- ⁷⁰ *Response of Brown University to the Report of the Steering Committee on Slavery and Justice*, 3.
- ⁷¹ In Simmons’ fall 2001 inauguration speech, she discussed her discomfort with the countless portraits of Brown’s slave-trading founders and benefactors hanging throughout campus. She concluded, however, on a reaffirmation of the University’s dignity and heritage: “We must not hide from the fact, for it is a part of our past, and in speaking its truth, we not only let the light in, but we give it air, making it shine more brightly. But I am not here to alter what cannot be changed, nor to condemn what is in the past. I am here to affirm what the University has become today, and what it aspires to be. There is dignity in who we are and the path we have chosen today. Let us be judged by that.” Sasha Polakow-Suransky, ‘Sins of our Fathers,’ *Brown Alumni Magazine*, July/August 2003.
- ⁷² Interview with Sven Beckert.
- ⁷³ Interview with Sven Beckert.
- ⁷⁴ Kevin Carty, ‘Carty ’15: Slavery of the Past, Inherited in the Present,’ *Brown Daily Herald*, September 23, 2014. Carty is referencing Ta-Nehisi Coates’ widely cited piece in *The Atlantic* on reparations. Coates says that ‘To celebrate freedom and democracy while forgetting America’s origins in a slavery economy is patriotism à la carte.’ Ta-Nehisi Coates, ‘The Case for Reparations,’ *The Atlantic*, June 2014.
- ⁷⁵ Clarke and Fine, “‘A’ for Apology,” 83.
- ⁷⁶ *Slavery and Justice*, 39.
- ⁷⁷ Brittany Llewellyn and Alexandra Perloff-Giles, ‘Slavery Ties Left Unexplored,’ *Harvard Crimson*, April 25, 2008.
- ⁷⁸ Clarke and Fine have documented the vehemently negative and at times violent comments Brophy received in the course of his research at University of Alabama, and the *Brown Report* similarly documents a slew of letters questioning why the university would ‘risk opening chapters of the past that are, inevitably, controversial and painful?’ Clarke and Fine, “‘A’ for Apology,” 99; *Slavery and Justice*, 12.
- ⁷⁹ *Response of Brown University to the Report of the Steering Committee on Slavery and Justice*, 5.
- ⁸⁰ Jennifer Schuessler, ‘Dirty Antebellum Secrets in Ivory Towers: “Ebony and Ivy,” About How Slavery Helped Universities Grow,’ *New York Times*, October 18, 2013.
- ⁸¹ Sydney Ember, ‘The Forgotten Report,’ *Brown Daily Herald*, May 24, 2012.
- ⁸² *Slavery and Justice*, 46.
- ⁸³ Interview with Sven Beckert.
- ⁸⁴ Interview with Sven Beckert.
- ⁸⁵ Interview with Sven Beckert.
- ⁸⁶ Interview with Sven Beckert.
- ⁸⁷ Michael S. Avi-Yonah, ‘Harvard and Slavery: Office Hours with Sven Beckert,’ *Flyby: The Blog of Harvard Crimson*, October 30, 2013.
- ⁸⁸ Beckert et al., ‘Harvard and Slavery,’ 27.
- ⁸⁹ In the time since writing, Brown’s Center for the Study of Slavery and Justice co-hosted a three-day conference (Dec 1 – Dec 3, 2016) titled ‘Slavery and Global Public History: New Challenges’ with the Smithsonian’s National Museum of African American History and Culture and the Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition at Yale University. On March 3, 2017, Harvard hosted a conference titled ‘Universities and Slavery: Bound by History.’ These examples of the universities’ continued engagement with their involvement in slavery are fruitful sites for further investigation into the ways in which universities are approaching retrospective justice and the historical memory of slavery.
- ⁹⁰ Monica M. Clark, “‘Master’ Should Have Ended With Slavery,” *Harvard Crimson*, November 22, 2004; Meg P. Bernhard, ‘House Masters “Unanimously” Agree to Change Title,’ *Harvard Crimson*, December 2, 2015.
- ⁹¹ ‘An Open Letter to Dean Minow from Students of Harvard Law School.’
- ⁹² ‘An Open Letter to Dean Minow from Students of Harvard Law School.’
- ⁹³ Ireland, ‘Harvard and Slavery: Student Research Project.’
- ⁹⁴ Schuessler, ‘Dirty Antebellum Secrets in Ivory Towers.’
- ⁹⁵ Barbara A. Misztal argues that memory can be used ‘as the basis of the collective identity of a community...and as a resource for the construction and defense of cultural identities. Memory is used strategically: not merely to explain the group past but also to transform it into a reliable identity source for the group present.’ Barbara A.

Misztal, 'Memory and History,' in *Memory Ireland: History and Modernity*, ed. Oona Frawley (Syracuse, NY: Syracuse University Press, 2011), 3.

⁹⁶ Desiree Goodwin, 'Harvard's Exploitation of Labor,' *Harvard Crimson*, April 25, 2012.

⁹⁷ The top comment on the article writes that, 'The argument that library workers are akin to slave labor is bogus. While it can certainly be argued that racism/sexism still exist in some form, the simple fact is that slavery is gone. If you want to succeed, the opportunity is there in modern america [sic], no matter your race/creed/color.' Goodwin, 'Harvard's Exploitation of Labor.'

⁹⁸ Alfred L. Brophy, 'The University and the Slave: Apology and Its Meaning,' in *The Age of Apology: Facing Up to the Past*, ed. Mark Gibney, Rhoda Howard-Hassman, and Jean-Marc Coicaud (Philadelphia: University of Pennsylvania Press, 2007), 117.

⁹⁹ *Slavery and Justice*, 84.

¹⁰⁰ Clarke and Fine, "'A" for Apology,' 85.

¹⁰¹ 'Martin Puryear: Slavery Memorial.' University Hall was constructed in 1770 using the labor of enslaved people. Anne Wootton, 'University Hall Construction Records Show U.'s Nuanced Ties to Slavery,' *Brown Daily Herald*, April 19, 2006.

¹⁰² An article in the *Brown Daily Herald* notes that Puryear 'intended to create an artifact that is "mostly buried, but will never disappear from memory."' Zack Bu, 'New Slavery Memorial Aims to Spark Reflection,' *Brown Daily Herald*, September 29, 2014.

¹⁰³ 'Martin Puryear: Slavery Memorial.'

¹⁰⁴ Puryear's approach to the memorial, however, was not uniformly embraced. For an incisive critique of the memorial's focus on an industrial capitalist narrative of slavery, see an editorial written by two Brown students, Malana Krongelb and Justice Gaines, 'Minimizing Memory: Brown's Slavery Memorial,' *Bluestockings Magazine*, October 10, 2014.

¹⁰⁵ Bu, 'New Slavery Memorial.' This comment is in line with Simmons' charge to the Steering Committee to 'not only examine Brown's history, but also to reflect on the meaning and significance of this history in the present.' *Slavery and Justice*, 39.

¹⁰⁶ Carty, 'Carty '15: Slavery of the Past, Inherited in the Present.'

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